

election #4
E. Burns
10/08/02

PATENTIN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: J. CONROY

EXAMINER: D. ARK

SERIAL NO: 10/034,041

GROUP: 3643

FILED: DECEMBER 20, 2001

TITLE: INSECTICIDE PRESENTATION DEVICE

RESPONSE TO RESTRICTION REQUIREMENT

ATT: BOX NON FEE AMENDMENT
Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

In response to the Office Action dated September 6, 2002

Applicant respectfully responds as follows:

The Patent Examiner has required a restriction to one of the
following species of the invention:

Species 1: FIGS. 1A 2A & 2B

Species 2: FIG. 1B

Species 3: FIG. 1C

Species 4: FIG. 1D

Species 5: FIGS. 2C & 2D

Species 6: FIGS. 3A&3B

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GROUP 3600

ELECTION:

The Applicant respectfully elects with traverse Species 5 as set forth in FIGS. 2C and 2D for further prosecution.

Applicant reserves the right to file divisional applications for the non-elected embodiment.

The applicant believes that while the Patent Examiner has restricted this application to one of six species, the applicant believes that these species as set forth in generic claims 1, 2, 7, 9, and 10 are directed to a unitary inventive concept. It is believed that any search for a insecticide dispensing device as shown in FIGS. 2C and 2D would include a search for an insecticide dispensing device in FIGS. 1A, 1B, 1C, 1D, 2A, 2B, and 3A and 3B. For example, in each different group, the main elements such as the channel 22, and the protrusions 20 exist. Thus, the different shapes are simply slight variations on each embodiment throughout the different embodiments. In all species, there are channels and protrusions regardless of the shape.

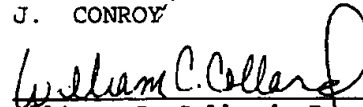
Since claim 1 was written to include all of the figures in these embodiments it is therefore believed that generic claim 1 is written for one single invention covering all of the species. Thus, a simultaneous search for each group of claims is believed not to constitute an unreasonable search for the Patent Examiner. In addition, it is believed that the objectives of streamlined

examination and compact prosecution would be promoted if a search were conducted simultaneously for all groups of claims. Also, the necessity for filing multiple patent applications for the same invention does not serve to promote the public interest. This is because of the extra expense that is involved, in filing fees and examination costs, as well as the burden upon the public due to the necessity of searching through a multiplicity of patent files in order to find the complete range of subject matter claimed in several different patents that could otherwise be found in one issued patent only.

Therefore, it is respectfully requested that the Requirement for Restriction under 35 U.S.C. 121 be withdrawn, and that an examination on the merits of all the claims can be rendered.

Respectfully submitted,

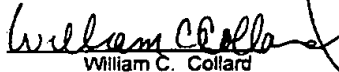
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I hereby certify that this correspondence is being FAXED to Examiner Ark at (703) 306-4195 on October 6, 2002


William C. Collard

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